

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALVIE ELLIOT BUTCHER,

Petitioner,

v.

MARK NOOTH,

Respondent.

Civ. No. 07-1072-TC

ORDER

Aiken, Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on October 25, 2007. Magistrate Judge Coffin recommends that the petition for writ of habeas corpus be denied and the case dismissed. Magistrate Judge Coffin found that petitioner failed to exhaust state remedies and that his claim is time-barred pursuant to 28 U.S.C. § 2241(d)(1). The matter is now


before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner filed an objection to the Findings and Recommendation. Upon de novo review, I find no error and adopt the analysis contained in Magistrate Judge Coffin's thorough opinion.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 9) filed October 25, 2007, is ADOPTED in its entirety. The Petition for Writ of Habeas Corpus (doc. 1) is DENIED and this case is DISMISSED.

IT IS SO ORDERED.

Dated this 26 day of November, 2007.



Ann Aiken
United States District Judge